

Appl. No. 09/784,654
Appl filing Feb 15, 2001
Reply to Office action of February 17, 2005

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FORMAL RESPONSE TO OFFICE ACTION

Appl. No. : 09/784,654 Confirmation No. 5564
Applicant : GONZOLEZ, THOMAS A
Filed : Feb 15, 2001
TC/A.U. : 2632
Examiner : Nguyen, Tai T
Docket No. : 01-0214
Customer No.: 37038

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Examiner:

This is a reply is the made is in response to the office action of February 17, 2005. Please consider the following reply to the office as follows:

Remarks/Arguments

Claim 1 is rejected under 35 U.S.C. §103(a) as unpatentable over Elliot (US 6,243,039) in view of Reed et al (US 4,876,710).

Elliot has a filing date of April 21, 1998 and first published June 5, 2001. The application being examined was filed before publication of the Elliot application, on February 15, 2001. Since Elliot was not published prior to the filing date of this application, Elliot can't be used as prior art.

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Elliot (US 6,243,039) figure 2 in column 5 lines 62 – 64 is described as:

"It is essentially a GPS locator device, combined with a
paging or cellular communications device, but in a simplified
form."

This description does not include installed within a "jewelry item" as required by claim 1 of the pending application, '039 specifically states pager or cellular communications device and does not indicate that the device is installed with in a "jewelry item..

Reed et al (US 4,876,710) teaches a "panic switch" (50) as described in column 4, lines 26 and 27. This is also the description used in column 4 lines 32 and 33.

The examiner cited column 15 lines 58 to 61 that states:

"the button (24) has been pushed a predetermined
number of time (such as twice or three times) within five
consecutive seconds (1103)"

Webster's dictionary defines "consecutive" as one (set of five seconds) occurring after another (set of five seconds). Using the description of "consecutive" and pressing the button twice or three times within five consecutive seconds would mean that the switch is pressed two or three times within a six or ten second interval.

The pending application requires that the button should be pressed "twice in rapid sequence". Depressing the button twice in five second or more is not twice in rapid sequence.

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Applicant doesn't understand how the Examiner could determine in light of his foregoing remarks, how Elliot is prior art or how Reed et al discloses depressing the (panic) button twice in rapid sequence

In view of the numerous remarks made in reference to the validity of the identified patents and in the operation of the claimed devices of Elliot and Reed, how the examiner using ordinary skills in the art would combine them. The applicant cannot understand how the cited references can fairly be read to support the Section 103(a) rejection of Claim 1.

Applicant, therefore, respectfully requests the rejection of Claim 1 be withdrawn and the Application be sent to allowance.

Respectfully submitted:



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